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Date: July 6, 1998

Subject: Standard Building Code
Request for Formal Interpretation
704.3 - Tenant fire separation

File: 3860/98-266

To: Mark Chubb
SBCCI
900 Montclair Road
Birmingham, AL 35213

Dear Mark,

I appreciate the time you took several weeks ago when I called for assistance in requesting an interpretation from SBCCI on code requirements for *tenant fire separations* as delineated in Section 704.3 of the 1997 Standard Building Code. Please consider this letter as a request for a Formal Interpretation of Section 704.3 as it applies to colocation of telecommunications equipment in telecommunications facilities.

In order for you to better understand some uncommon telecommunications industry terminology, I have provided definitions of a few terms:

- *Colocation* is defined as the action of a Competitive Local Exchange Carrier (CLEC, or start-up telecommunications service providers as they are referred), locating their equipment in the building of an Incumbent Local Exchange Carrier (ILEC) such as BellSouth, GTE, Southwestern Bell, etc. Colocation is an FCC tariffed practice, and has become routine and widespread across the country in all ILEC companies. The CLEC leases space and building services in the ILEC's building, and installs either their own switch, or transmission equipment that is connected to the incumbent's switch and cabling through separate lease arrangements. Generically, the CLEC's equipment is the same as the ILEC's equipment. Virtually all incumbents require that the CLEC's equipment be NEBS compliant.
- *NEBS* (Network Equipment Building Systems) are publicly available generic requirements published and maintained by Bellcore (AT&T has their own version). NEBS sets forth minimal requirements for grounding, ESD, RFI, earthquake, fire protection, and a host of other stringent requirements to assure safe and dependable telecommunications service. NEBS can be likened to a building code or standard for the telecommunications industry. Regarding fire protection requirements, equipment manufacturers such as Lucent or Nortel submit equipment (either separate line cards, full shelves, or complete cabinets) to Bellcore's testing facility in Chester NJ for technical auditing. NEBS has three levels of compliancy, and the fire protection requirements are the same for all three levels.

B2-98-1

As interpreted by some local code officials, Section 704.3 of the Standard Code requires my client, BellSouth, to erect 1-hour walls, not only between their equipment and the CLEC's equipment, but between each of the CLECs' spaces. The cost of these partitions and the resulting costs of associated electrical and HVAC alterations are very high in many cases, due to the amount of overhead cabling that must be properly firestopped. These costs are passed on to the competitors who complain that they don't have these restrictions in the other ILEC's facilities. (BellSouth is exclusively under the Standard Code, while all other Regional Bells are predominantly BOCA or ICBO, neither of which has this requirement). In BOCA and ICBO jurisdictions, companies install heavy gauge wire partitions for security.

I understand that the provisions of 704.3 have historically addressed separation issues as they are interpreted, for example, in malls, strip shopping, storage facilities, and several multi-family residential applications.

It is my objective opinion that the requirements of 704.3 would not apply to telecommunications facilities where competitive companies install their equipment in incumbents' buildings, for the following reasons:

- The use and occupancy are identical and there is no fire threat between the equipment
- The CLEC equipment is virtually identical to the ILEC equipment
- The CLEC equipment, like the ILEC equipment, is NEBS compliant
- In BellSouth's case, CLEC personnel are escorted into and out of their space by BellSouth personnel and are not allowed to wander through the building
- Lease agreements and tariffs protect both companies from contingent liability issues
- There has been no fire incident (at least in the Regional Bell Operating Companies) between CLEC and ILEC spaces
- Wire partitions provide full vision between spaces which provides a higher level of safety from a fire protection standpoint

The telecommunications industry enjoys an exemplary fire safety record due primarily to their aggressive and pro-active stance on very early warning fire detection, selective compartmentation, assiduous firestopping practices, and remarkably safe equipment that is NEBS compliant.

Mark, I would appreciate your sharing this request with the staff and providing me with a full interpretation and intent of Section 704.3, as it applies to colocation of telecommunications equipment. Thanks again for your time and interest.

Very truly yours,



Ron Marts

| | | |
|----|----------------|-----------|
| cc | Steve Johnson | BellSouth |
| | Larry Langham | BellSouth |
| | Glen Neuburger | Bellcore |

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Setting the
Standard for
America's
Model Codes

September 25, 1998

Mr. Ron Manta, AIA, CFM
Building Standards and Codes, Firesafety
Bellicore
3C104
8 Corporate Place
Placaburway, NJ 08854

Dear Ron:

This is in response to your request for an interpretation of the tenant separation requirements of the 1997 *Standard Building Code* as they apply to co-location of competitive local exchange carriers (CLEC) in the network equipment buildings of incumbent local exchange carriers (ILEC) such as BellSouth. The tenant separation requirements are found in 704.3 of the code.

As you correctly note in your request, tenant separation requirements do not appear in the provisions of any of the other nationally-recognized model building codes. The *Standard Building Code* provisions for tenant separation date back to the first edition in 1946, and are intended to protect the property of one occupant from harms arising from the use or occupancy of another portion of the same building occupied by another tenant. Chief among these harms is the threat of fire. The requirement for 1-hour fire resistance rated separation seems to follow from the assumption that tenants will usually be separated by partitions, floor/ceiling assemblies, or by some equivalent construction as a matter of security or privacy or simply to control the amount of usable space let to a tenant under the terms of a given contract. Since these separations may obscure evidence of a hazardous situation and limit the degree of control which may be exercised over such hazards by other occupants or tenants, the code requires these separations to provide a minimum degree of fire resistance.

Of course, many contemporary co-location or cohabitation situations challenge the traditional notion that tenants will already be separated from one another. Many occupancies now let space within their buildings to other companies for purposes similar to or at least complementary to their own use of the premises. Examples abound: cosmetic counters, opticians offices, photo processors, and fast food franchise counters in retail stores are probably the most common examples. The situation you describe with regard to network equipment buildings does not seem altogether different from these new arrangements: The tenants share a common occupancy classification, perform complementary activities, and provide common access to their respective portions of the premises. Perhaps most importantly though, the arrangements you describe, particularly common equipment requirements, escorted access, largely open plan, and a high degree of visibility among adjacent tenants, suggest that continuous surveillance of the equipment and premises is provided. This seems to ensure that no tenant is unwittingly exposed to a threat introduced by another.

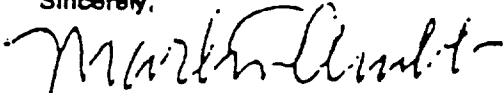
In small network equipment buildings (those less than 3,000 sq ft), the exception to 704.3 would require no separation between adjacent tenants. In larger buildings (those over

Mr. Ron Maris, AIA, CFM
September 25, 1998
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3,000 sq ft), separation could only be required to subdivide the building into areas less than 3,000 sq ft. However, this does not appear necessary, since the arrangements you describe seem to fulfill the intent of the tenant separation provisions.

This information is provided to assist you in complying with the provisions of the Standard Building Code. This opinion has not been reviewed by the Interpretation Committee, and does not represent the official position of SBCCI or the Southeastern Association of Fire Chiefs, Inc. in this matter. Please remember, the code official remains the final authority for all decisions concerning the application and interpretation of these provisions.

Sincerely,



Mark Chubb, CEO, AIA
SBCCI Fire Code Coordinator
Executive Director, Southeastern Association of Fire Chiefs

/mdc

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MAY 21 1999



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Robert W. Quinn, Jr.
Director - Federal Government Affairs

Suite 1000
1120 20th St., NW
Washington, DC 20036
202 457-3851
FAX 202 457-2545

May 21, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, SW, Room TWB-204
Washington, DC 20554

Re: Notice of Ex Parte contact
Second Application of BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Louisiana, CC Docket No. 98-121

Dear Ms. Roman Salas:

The attached was provided to Michael Pryor and Jake Jennings of the Common Carrier Bureau on May 7, 1999. Please include a copy in the record of the above-referenced proceeding.

Two copies of this Notice are being submitted to the Secretary of the FCC.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Quinn, Jr.", with a stylized flourish at the end.

Attachment

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MAY 21 1999



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Robert W. Quinn, Jr.
Director - Federal Government Affairs

Suite 1000
1120 20th St., NW
Washington, DC 20036
202 457-3851
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May 7, 1999

Michael Pryor
Common Carrier Bureau
Rm. 5B145
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Jake Jennings
Common Carrier Bureau
Rm. 5C260
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Dear Messrs. Pryor and Jennings:

I thought you might be interested in seeing BellSouth's reaction to the recent collocation order issued by the Commission in the advanced services docket. Direct testimony of Mr. W. Keith Milner was filed before the Florida Public Service Commission, Docket Nos. 980946-TL, 980947-TL, 980948-TL, 981011-TL, 981012-TL and 981250-TL, on April 9, 1999.

Specifically, Milner states the following with respect to the FCC's collocation requirements:

1. **FCC requirement to permit shared cage collocation:** BellSouth complies with the requirement for sharing of collocation between two or more carriers where space is unavailable for physical collocation. The FCC Order would require sharing without the precondition of space exhaustion. BellSouth does not state whether it would comply with this requirement. Milner, at 9.
2. **FCC requirement to permit "cageless" collocation:** BellSouth provides "cageless" collocation according to its definition – physical collocation not separated by walls from the physical collocation arrangements of other



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collocators, but separated by a wall from BellSouth's equipment within the BellSouth central office. Milner, at 8.

3. **FCC requirement to permit physical collocation in adjacent CEVs and similar structures when space is unavailable:** BellSouth states, "The FCC's requirement for adjacent CEVs and similar structures is inconsistent with the requirements of the Act that BellSouth provide collocation at its premises because adjacent CEVs and similar structures are not BellSouth's premise and the equipment housed within the adjacent CEV or similar structure is not part of BellSouth's network facilities." Milner, at 20.
4. **FCC requirement to allow collocation of all types of equipment required for interconnection or access to UNEs:** BellSouth states, "Given that the FCC's Order in paragraph 30 does not require collocation of equipment used solely to provide enhanced services, BellSouth believes that it is in compliance with the FCC's requirements." Milner, at 21.
5. **FCC requirement regarding tours of COs by parties who have been denied physical collocation requests due to lack of space:** BellSouth does permit tours of central offices by parties who have been denied physical collocation requests due to lack of space, and states that the March 31, 1999 FCC Order would require that such tours be conducted within 10 days of a denial. BellSouth does not state whether it will comply with such a requirement. Milner, at 21.
6. **FCC requirement to provide lists of central offices where physical collocation is not available:** BellSouth states that it is currently unable to maintain a list of COs where collocation is not available because it is unable to determine where local officials will allow "cageless" collocation space. BellSouth also states that on an ongoing basis, such lists would be difficult to maintain, as space availability is constantly changing. BellSouth contends that state and local building code ordinances have prevented it from honoring physical collocation requests. Milner, at 22.
7. **FCC requirement to remove obsolete, unused equipment to accommodate physical collocation requests:** BellSouth states that it is compliant with this requirement. It contends that the FCC's use of the terms "obsolete" and "unused" together imply that BellSouth is not obligated to replace older, functional equipment with smaller equipment to allow for collocation space. Milner, at 22.
8. and 9. **FCC requirements to permit access to equipment without security escort and to permit a collocator direct access to its equipment without requirement of physical separation between collocator's equipment and equipment of other collocator's and ILEC:** BellSouth states that allowing direct and unsupervised access to equipment by collocators puts BellSouth's and

other providers' networks at risk. While monitoring and access devices can be installed, networks will remain unprotected in the interim. BellSouth states that the FCC needs to further address security issues. Milner, at 25.

10. **FCC requirement to permit collocator to place as little as one rack of equipment in its collocation arrangement:** It is unclear whether BellSouth agrees to permit a new entrant to install as little as one rack in its collocation space. BellSouth makes clear, however, that the only arrangement in which it permits a CLEC to share a bay with BellSouth is in a virtual collocation environment. Milner, at 24.
11. **FCC requirement to permit any other collocation arrangement that has been made available by another ILEC unless ILEC rebuts the arrangement on grounds of technical feasibility:** BellSouth states that it is "troubled by the breadth of this presumption as well as the uncertainty inherent in such a requirement." Milner, at 23.

Please call me with any questions.

Sincerely,

Robert W. Quinn, Jr.

ATTACHMENT

cc: Claudia Pabo